

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**RAFIYQ DAVIS,**  
**Plaintiff,**

**v.**

**PHILADELPHIA POLICE OFFICER  
JOHN DOE, *et al.***  
**Defendants.**

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**CIVIL ACTION NO. 23-CV-4863**

**ORDER**

AND NOW, this 17<sup>th</sup> day of April, 2024, upon consideration of Plaintiff Rafiyq Davis's Motion to Proceed In Forma Pauperis (ECF No. 9), and Complaint (ECF No. 2) it is **ORDERED** that:

1. Leave to proceed in forma pauperis is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. The Complaint is **DEEMED** filed.
3. The Clerk's Office is **DIRECTED** to **ADD** "Tow Company John Doe" as a Defendant in this action.
4. The Complaint is **DISMISSED IN PART WITH PREJUDICE** and **DISMISSED IN PART WITHOUT PREJUDICE** for the reasons stated in the Court's Memorandum, as follows:
  - a. The following claims are **DISMISSED WITH PREJUDICE**: all claims asserted against Defendants the Pennsylvania Department of Transportation, the City of Philadelphia Police 24<sup>th</sup> District, and the Philadelphia Police Internal Affairs; all official capacity claims; all claims asserted under the Fifth Amendment; and all claims based on violations of the right to travel.
  - b. The Clerk of the Court is **DIRECTED** to **TERMINATE** the following Defendants from this case: the Philadelphia Parking Authority Auction, the

Philadelphia Parking Authority Impound, “Tow Company,” the Pennsylvania Department of Transportation, the Philadelphia Parking Authority, the City of Philadelphia, the City of Philadelphia Police 24<sup>th</sup> District, and the Philadelphia Police Internal Affairs as Defendants in this matter.

- c. The balance of the claims asserted against the Philadelphia Parking Authority, the City of Philadelphia, Philadelphia Police Officer John Doe, Philadelphia Police Officer John Doe #2, and Tow Company John Doe are **DISMISSED WITHOUT PREJUDICE**.

5. Davis may file an amended complaint within thirty (30) days of the date of this Order as to his claims against the City of Philadelphia, the Philadelphia Parking Authority, Philadelphia Police Officer John Doe, Philadelphia Police Officer John Doe #2, and Tow Company John only. Any amended complaint must identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint and shall state the basis for Davis’s claims against each defendant. Davis may not reassert a claim that has already been dismissed with prejudice or rename a party that has already been terminated from this case. **Any amended complaint must allege proper dates or timeframes for the facts or events described.** The amended complaint shall be a complete document that does not rely on the initial Complaint or other papers filed in this case to state a claim. When drafting his amended complaint, Davis should be mindful of the Court’s reasons for dismissing the claims in his initial Complaint as explained in the Court’s Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

6. The Clerk of Court is **DIRECTED** to send Davis a blank copy of this Court’s current standard form to be used by a self-represented litigant filing a civil action bearing the above-captioned civil action number. Davis may use this form to file his amended complaint if he chooses to do so.

7. If Davis does not wish to amend his Complaint and instead intends to stand on his Complaint as originally pled, he may file a notice with the Court within thirty (30) days of the date of this Order stating that intent, at which time the Court will issue a final order dismissing the case. Any such notice should be titled “Notice to Stand on Complaint,” and shall include the civil action number for this case.

8. If Davis fails to file any response to this Order, the Court will conclude that Davis intends to stand on his Complaint and will issue a final order dismissing this case.

**BY THE COURT:**

*/s/ Mitchell S. Goldberg*

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**MITCHELL S. GOLDBERG, J.**